

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

UNITED STATES OF AMERICA,

Appellee

No. 10-3084

v.

**JUAN MARTINEZ- VEGA,
ERMINSO CUEVAS CABRERA**

District Court No. 04-cr-446

Appellant.

**APPELLANTS' EMERGENCY MOTION TO EXTEND TIME
TO FILE BRIEF AND APPENDIX BY ONE DAY**

COMES NOW Appellants Juan Martinez-Vega and Erminso Cuevas Cabrera, by and through undersigned counsel, and respectfully request that the time for filing the Appellants' opening brief and appendix be extended for one day until September 16, 2014. Government counsel, Randall Jackson, has been contacted, but has not yet had an opportunity to respond. Given the emergency nature of this motion, counsel finds it necessary to file before receiving his position. Mr. Jackson has made it clear in the past that the government would oppose any request to extend the filing deadline for Appellants' brief and Joint Appendix. In support of their motion, Appellants submit the following:

1. Pursuant to this Court's previous Order, the Appellants' opening brief and appendix are due today, September 15, 2014.

2. Appellants' prepared the documents required in the Joint Appendix and forwarded them to a printer on Thursday, September 11th, and Friday, September 12th. The printer had assured counsel that the Joint Appendix would be ready for use during the evening of September 12th, so that the appropriate JA cites could be inputted into their brief in time for processing and filing on September 15th.

3. The printer did prepare the Joint Appendix and forward it to counsel on September 12th, as agreed. Unfortunately, when counsel opened the Joint Appendix on September 13th to input the JA cites, it became apparent that there were several issues regarding the 2000-plus page appendix as prepared. Pages of transcript, although provided to the printer, were missing; other pages of individual transcript sessions were out of chronological order; certain documents and transcripts were also out of chronological order.

4. The printer was notified, and is taking steps to correct the errors. However, as of the filing of this motion, counsel has yet to receive the Joint Appendix from the printer. As a result, they have not been able to finish inserting the necessary JA cites into their brief, and forward it back to the printer for processing.

5. Undersigned counsel submit that good cause exists to grant them a one-day extension of the filing deadline so that they may comply with the Rules

and Orders of this Court. Due to the reason underlying this request, appellants' counsel submit that an extension of the deadlines in this instant appeal until September 16, 2014 is appropriate.

6. As also set forth above, government counsel, Randall Jackson, has been contacted, but has not yet had an opportunity to respond. He has, however, previously informed undersigned counsel that he would oppose any extension in Appellants' filing deadline.

WHEREFORE Appellants respectfully request that they be granted a one-day extension of time until September 16, 2014 to file their opening brief and appendix in the instant appeal.

Respectfully submitted,

/s/

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(Appointed by this Court)

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September 2014, a copy of the foregoing motion was served upon counsel for all parties via the Court's ECF filing system.

/s/
Manuel J. Retureta, Esq.